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**Beyond the New Horizon:
Trends and Issues in Residential Child Care**

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Abstract

High profile scandals of abuse and poor outcomes of children in residential child care have contributed to a government focus on improving the quality of services. There has also been a significant effort to promote the rights of children and young people. In Scotland, there have been a number of national developments which include national bodies to regulate social care services, the social care workforce and to coordinate the training of residential child care staff; legislation to enhance the protection of children; and the creation of the role of Children's Commissioner to promote children's rights. As well as these national measures, it is important to place the developmental and emotional needs of children and young people in residential care at the centre of quality services.

Key words: residential child care, children's rights, regulation, inspection, training

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Introduction

A Scotland in which *every child matters*, where every child, regardless of their background, has the best possible start in life...

A Scotland in which *every young person* has the opportunities, skills and support to make a successful transition to working life and active citizenship
(Scottish Executive, 1999)

Article 19 of the UN Convention on the Rights of the Child stresses that all children should be protected from abuse and maltreatment from parents or any other person who has the care of the child. Article 20 goes on to state that a child deprived of his or her family environment or whose best interests mean they cannot remain with their family, shall be entitled to *special protection* by the State. Over the past twenty years in the UK, however, there has been increasing evidence of the abuse of children and young people in both foster care and residential care (Kendrick, 1997, 1998). Major enquiries have take place in England (Kirkwood, 1993; Levy & Kahan, 1991; Utting, 1991, 1997), Wales (Waterhouse, 2000) and Scotland (Kent, 1997; Marshall, Jamieson, & Finlayson, 1999; Skinner, 1992).

In Scotland, the philosophy of the UN Convention was explicitly incorporated into policy and legislation (Scottish Office, 1993). Significant national developments to improve the quality of the care of children and young people in residential child care have continued to place children's rights at their centre. The issues which affect children and young people in state care are by no means unique to Scotland, and this paper describes one approach to implementing the UN Convention on the Rights of the Child which may provide important lessons for others.

The Use of Residential Child Care

Residential child care has undergone major changes in recent years. In the mid-1970s, over 6,300 children and young people were cared for in residential establishments at any one point in time. By the end of the 1980s, this had fallen dramatically to less than a third of this number. The latest national figures show that in March 2002, there were 1,962 children and young people in residential accommodation (Scottish Executive, 2003a). The balance between foster care and residential care has also changed significantly. In 1976, almost twice as many children and young people were in residential care compared to those in foster care. The reverse is true today (Scottish Executive, 2002a)

The number of residential establishments in Scotland shows a slightly different pattern. In the mid-1970s, there were 288 establishments, and this fell to 158 at the end of the 1980s. However, this had increased to 207 in 2002. This can be explained by the long-term decrease in the size of residential establishments; falling from an average of 25 places in the 1970s to an average of 10 places today (Scottish Executive, 2003a). There are a range of residential establishments and the main types are children's homes, residential schools, homes for children with disabilities and secure accommodation establishments.

Although the number of children and young people in residential care at any one time has fallen, recent statistics also show that the number of admissions to residential establishments has increased dramatically over the last fifteen years or so. There were 3,870 admissions to residential establishments in 1989 compared to 10,961 in 2002 (Scottish Executive, 2003a). The vast majority of children and young people stayed in residential care for short periods of time, three-quarters stayed in residential care for less than a month. One of the reasons for the increase in admissions to residential accommodation is the development of respite care and shared care arrangements, particularly for disabled children and young people. It may also, however, reflect a more general trend for shorter stays in residential care. There are also a significant number of young people who do remain in residential care on a long-term basis and it is important that their needs are addressed.

Research has highlighted the poor outcomes for children leaving residential and foster care. Most recently in Scotland, a survey of care leavers identified that the majority of care leavers had poor educational outcomes; over half were unemployed; and many of the young people had experienced mobility and homelessness (Dixon & Stein, 2002). One important aspect of these poor outcomes relates to instability whilst in care, multiple placements and educational disruption (Dixon & Stein, 2002; Kendrick, 1995; Triseliotis, Borland, Hill, & Lambert, 1995).

National Developments

Some of the developments in Scotland have focused solely on children and young people; most, however, cover the whole of social work. Nevertheless, the reviews and inquiries into abuse and neglect of children in care have been a major driving force in these important changes. In the remainder of this paper, I will outline these changes which include: the regulation of services and the workforce; developments in the training and education for residential child care workers; and developments in the prevention of abuse and protecting children's rights.

Ensuring the Quality of Services

Two major reviews of the safeguards for children living away from home expressed concern at the complexity of inspection systems and the fact that while some children's services are subject to several types of inspection, others are not subject to any regular inspection (Kent, 1997; Utting, 1997). In many cases, inspection was undertaken by the same local government authorities which provided those services. This agenda has been taken forward by establishing independent, national bodies to regulate care services. In Scotland, the *Care Commission* was established on 1st April 2002. Parallel bodies were also established in England and in Wales.

The Care Commission has responsibility for the registration and inspection of care services. It will issue a certificate of registration to care services which meet the statutory requirements; taking into account the new National Care Standards which

have been drawn up. The Care Commission will enforce the standards and when other routine actions have failed to improve the quality of services, it will be able to use legal sanctions to ensure improvement or, ultimately, to de-register a service.

Nineteen volumes of National Care Standards were issued by the Scottish Executive in the Spring of 2002 covering a wide range of social care services. The volumes on care homes for children and young people, and school care accommodation services are the most relevant and important for residential child care (Scottish Executive, 2002b; Scottish Executive, 2002c). The main principles upon which the National Standards are based relate to the needs of children and young people for: Dignity, Privacy, Choice, Safety, Realising Potential, and Equality and Diversity. Maclean (2002) considered that the decision to write the standards from the point of view of the children and young people who use the services was a brave and progressive one, and compared them favourably to the equivalent standards in England.

The combination of Care Standards, national registration and inspection, and qualification and registration of staff provides a unique opportunity to ensure that children and young people in residential provision receive the services they need and deserve. (Maclean, 2002)

Ensuring the Quality of the Workforce

There has been a long-standing debate in the UK about the need to regulate the social care workforce (Bamford, 1990; Hugman, 1991). Alongside the establishment of the Care Commission, the *Scottish Social Services Council* was established to regulate the workforce. Again, parallel bodies were established in England and in Wales.

The Councils have a number of responsibilities. They will set standards of conduct and practice for the workforce and publish codes of practice for social services workers and their employers. They will establish a register of individuals working in social work and social care and be able to discipline individuals and, ultimately, be able to remove individuals from the register. The Councils will also regulate

education and training and approve courses. In Scotland, residential child care workers are included in the first phase of the registration process.

In the early 1990s, a government review of residential child care set national targets for the qualifications of residential child care staff in local authorities and independent organisations (Skinner, 1992). Unfortunately, little headway was made in subsequent years and a recent national audit of the training and qualifications of residential child care staff showed that a substantial number did not hold relevant qualifications (Frondigoun & Maclean, 2002). Over the summer of 2002, a consultation was held on the qualifications criteria for registration of the social services workforce. It was concerning that that the consultation set the required qualifications for residential child care workers at a lower level than the Skinner targets. The qualifications criteria for residential child care staff have now been established, however, and it is encouraging that there has been significant movement from the initial proposal. There is now a balance between vocational, academic and professional qualifications. In addition, the range of professional qualifications recognised (occupational therapy, physiotherapy, speech and language therapy, community education and curative education, as well as social work) opens exciting possibilities for the development of the profession (Smith, 2003). It must still be said that the level of qualifications set for residential child care staff is still much lower than that set for social workers.

The process of registering residential child care staff is now under way and will be progressed over the coming years. There will be many challenges, for both individuals and organisations, that will need to be surmounted to achieve a fully qualified workforce.

Developing Quality Training for Residential Child Care

The Scottish Institute for Residential Child Care (SIRCC) was established on April 1st 2000. The aim of SIRCC is to ensure that residential child care staff throughout Scotland have access to the skills and knowledge they require to meet the needs of the children and young people in their care.

Mission Statement

Promoting learning and development, that respects and values children and young people, and the staff caring for them in residential establishments, through education, training, consultancy and research (Scottish Institute for Residential Child Care, 2002)

The partnership which is responsible for developing and managing the Institute consists of three academic institutions (Langside College, the Robert Gordon University, the University of Strathclyde); a major children's voluntary organisation (Save the Children) and an independent organisation for children and young people in care (Who Cares? Scotland).

SIRCC provides a range of education and training opportunities for residential child care workers in Scotland. In addition to its remit for training, it provides a consultancy and advice service for residential child care providers. Its library and information service provides an important resource for residential staff across Scotland. Regular seminars are held on topical issues and SIRCC's annual conference provides an important forum for residential child care staff to come together to learn of the latest research and developments in practice.

SIRCC staff are also active in research and a number of studies are currently being carried out. In September 2002, the first issue of the *Scottish Journal of Residential Child Care* was published. This twice yearly journal aims to provide a forum to reflect on policy, practice, training and research in the field of residential child care.

Ensuring the Safety of Children and Young People

The selection and assessment procedures for staff entering the workforce must be rigorous to prevent unsuitable people working with children and young people. Alongside developments in recruitment practice (Skinner, 2003), a number of new legislative safeguards to prevent unsuitable people from working with children have been taken forward. Parallel to legislation in England and Wales, the *Protection of Children (Scotland) Act 2003*, establishes the *Disabled from Working with Children*

List (Scottish Executive, 2003b). This law will come into force in 2004. Any individual working with children, paid or unpaid, must be referred to the List when they have harmed a child or put a child at risk of harm and they have been dismissed or moved away from contact with children as a consequence. The List will also include those convicted of an offence against a child, when the court considers them to be unsuitable to work with children. Those on the List will commit a criminal offence if they apply to or work with children. The fact that someone is on the List will be released as part of a disclosure available from Disclosure Scotland (the organisation with responsibility for providing information on criminal offences for vetting purposes). Safeguards for the individual are included in the Act, including the right to appeal through the court system. Organisations will have a duty to refer people to the List and can be prosecuted for failing to make referrals. They will also commit an offence if they knowingly employ a person to work with children and if that person is on the List.

However, no matter how intensive the selection, assessment and vetting procedures for residential staff and foster carers, it is unlikely that they will ever be able to effectively screen out all abusers. A focus on the rights of children and young people is essential to prevent further abuse of children and young people and to promote children's safety.

Commissioner for Children and Young People

Utting describes children's rights services as "one of the most beneficial developments of the last decade" (Utting, 1997, p.111). Since the first children's rights officer was appointed in 1987, an increasing number of local authorities have established such posts, and many "have entered into partnership with voluntary child care organisations to establish some independence for them" (Willow, 1996, p. 31).

There has also been an increasing demand for the establishment of the role of Children's Commissioner in the UK (Elsley, 2002). Children's Commissioners or Ombudsmen have been established in a number of countries throughout the world (Flekkoy, 1989; Ronstrom, 1989; Rosenbaum & Newell, 1991). Following the clear recommendation of a major tribunal into cases of abuse in residential and foster care

in Wales (Waterhouse, 2000), an independent Children's Commissioner for Wales has been established.

In May 2003, the *Commissioner for Children and Young People (Act) 2003* received Royal Assent. The primary functions of the Commissioner are laid down in the act and are:

- promoting and safeguarding the rights of children and young people; having regard to the UN Convention on the Rights of the Child;
- promoting the best interests of children and young people as a primary consideration;
- promoting the views of children and young people on all matters affecting them; encouraging equal opportunities;
- involving children and young people in the work of the Commissioner;
- carrying out investigations into whether service providers have given due regard to the rights, interests and views of children and young people; and
- producing and publishing reports on the Commissioner's work and investigations.

Elsley (2002) concluded that the Commissioner will provide children and young people in residential and foster care an independent, national watchdog and a champion to promote their interests first and foremost.

Conclusion

Whilst these various developments are important planks in ensuring safer residential environments, procedural approaches alone are insufficient in ensuring healthy and safe experiences for young people growing up. There can be tensions between the implementation of such measures and the developmental and emotional needs of children and young people in residential care (Kendrick & Smith, 2002).

If the task of residential child and youth care is to promote growth and development, then consideration needs to be given as to how this is achieved. Central to this are the relationships between staff and children and young people in residential child care. In the current climate, however, many staff are wary of engaging in shared activities or in developing strong personal relationships. Children and young people tend to confer trust on individuals where there is a genuine willingness to understand the young person's perspective and to convey empathy. Staff need to be reliable, take action, and respect confidences (Hill, 1999). The importance of staff and young people sharing activities across a range of sporting, cultural and leisure pursuits has also been highlighted in promoting the resilience of children and young people (Daniel, 2003; Daniel, Wassell, & Gilligan, 1999; Gilligan, 2001).

... it is essential that we provide the necessary warmth, affection and comfort for children's healthy development if we are not further to damage emotionally children and young people who have usually had a raw deal from life. (Kent, 1997, p. 18).

These issues and concerns affect children and young people in state care around the world. Scotland has attempted to set up a system of legislation and safeguards to improve care services and protect children and young people from harm. Children's rights are central to this agenda and its success will be measured by children and young people achieving their true potential.

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